

ER-2-2058

13 Sept. 1951

The Honorable Olin D. Johnston
Chairman
Committee on Post Office & Civil Service
United States Senate
Washington 25, D. C.

Dear Mr. Chairman:

I have been informed that your Committee has scheduled hearings on S. 408 and S. 563, which are bills to amend section 6 of the Act of August 24, 1912, as amended, with respect to the recognition of organizations of postal and Federal employees. For reasons set forth below, it is requested that the Central Intelligence Agency be specifically exempted from the provisions of these bills.

I wish to state that our request for exemption is in no way based on any "anti-union" beliefs in this Agency. On the contrary, our administrative instructions specifically provide that our employees have the right to join any organizations or association of employees, the policies of which are not in conflict with their oath of office. Our instructions further provide that in exercising this right our employees will be free from any and all restraint, interference, or coercion on the part of administrative or supervisory personnel.

It should be pointed out that the Central Intelligence Agency was established to coordinate the foreign intelligence activities of the United States. The Agency has no police or law-enforcement powers, or internal security functions. However, I wish to call your attention to the provisions of Section 102(c) of the National Security Act of 1947 (Public Law 253 - 80th Congress) which reads as follows:

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"Notwithstanding the provisions of section 6 of the Act of August 24, 1912 (37 Stat. 555), or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission."

Because of the nature of the work of the Central Intelligence Agency, the Congress felt that the Director must have the unusual authority granted under Section 102(c) to terminate the employment of any officer or employee of the Agency whenever such action appeared to be necessary or advisable in the interests of the United States. Inasmuch as section 1 of S. 408 and S. 563 would limit the necessary authorities granted to this Agency under Section 102(c), we are opposed to them in any form which would not specifically exempt the Central Intelligence Agency from their provisions.

The nature of an intelligence organization, the need for its complete objectivity, and the security considerations essential to its operations, are self-evident. I am sure the Committee will appreciate the problems which might be created by the proposed legislation.

In the light of the above, and in view of the nature of the work of the Central Intelligence Agency, I respectfully request that your Committee exempt us from the provisions of S. 408 and S. 563. This request has the approval of the Bureau of the Budget, and they have no objection to its presentation to the Congress.

Sincerely,

1 Signed

Walter B. Smith
Director

OGC/WLP:blc

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